

DEC 22 2004

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
V. J. ROZANEK,)	
)	CAUSE NO. A-1602
)	
RESPONDENT.)	

This matter came on for hearing on the 15th day of December 2004 before Michael Boyd, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Keri Schechinger. V. J. Rozanek ("Respondent") was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed resident Nebraska insurance producer whose registered address with the Department is Knott Funeral Home, 835 "C" Street, David City, NE, 68632. Respondent's insurance producer license expired on October 31, 2002; however, pursuant to Neb. Rev. Stat. §44-4059(5), the Director retains the authority for three years to enforce provisions of and impose any penalty or remedy authorized by the Insurance Producers Licensing Act against any person ... even if the person's license or registration has been surrendered or lapsed by operation of law.

2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about November 17, 2004 the Petition and Notice of Hearing were served upon the Respondent by mailing the same to his business address of record by certified mail, return receipt requested. On or about December 8, 2004 the letter mailed to Respondent's business address by certified mail, return receipt was returned to the Department by the United States Postal Service as "Unclaimed". In addition, the Petition and Notice of Hearing were mailed to the business address via First Class United States Mail. The letter sent to the business address by First Class United States Mail has not been returned to the Department. All of the findings in this paragraph are evidenced by Exhibit #1.

4. On or about July 29, 2004, Respondent was the subject of an administrative action filed by the Department in State of Nebraska Department of Insurance v. V. J. Rozanek, Cause No. A-1582. Respondent was not present and was not represented by counsel for the administrative hearing held on September 14, 2004. On September 24, 2004 the Director of Insurance signed a Findings of Fact, Conclusions of Law, Recommended Order and Order, in which Respondent was required to pay an administrative fine of \$1,000 within thirty (30) days of the date of the Director's signature for violations of Neb. Rev. Stat. §§44-1525(11), 44-4059(1)(b), and 44-4059(1)(g). On or about September 27, 2004 a copy of the signed Findings of Fact, Conclusions of Law, Recommended Order and Order were served upon the Respondent by mailing the same to his business address of record by certified mail, return receipt requested. On or about October 18, 2004 the return receipt card was received by the Department of Insurance indicating that Respondent signed for the Order in Cause No. A-1582 on October 16, 2004 (Exhibit 1).

5. Respondent failed to pay the \$1,000 fine as evidenced by Exhibit #2.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047 et seq.
2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated Neb. Rev. Stat. §44-4059(1)(b) by failing to pay the administrative fine of \$1,000 when due.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the Respondent's insurance producer license shall be revoked as of the date the Director of Insurance signs this Order. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department of Insurance to make application for such further orders as may be necessary.

Dated this 21st day of December 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Michael Boyd, Hearing Officer

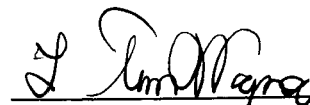
CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of

this Department in the matter of *State of Nebraska Department of Insurance v. V. J. Rozanek*,
Cause No. A-1602.

Dated this 22nd day of December 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at Knott Funeral Home, 835 "G" Street, David City, Nebraska, 68632 by certified mail, return receipt requested, on this 23rd day of December 2004.

